

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: J. Bednorz et al.

Date: November 1, 2002

Serial No: 08/303,561

Group Art Unit: 1751

Filed: 09/09/94

Examiner: M. Kopec

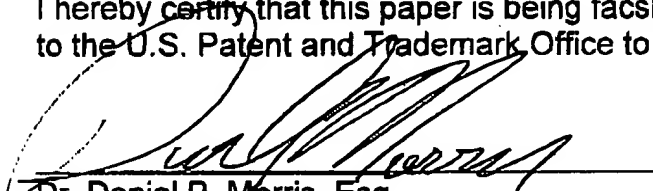
For: NEW SUPERCONDUCTIVE COMPOUNDS
HAVING HIGH TRANSITION TEMPERATURE,
AND METHODS FOR THEIR USE AND PREPARATION

Docket No.: YO987-074BY

Assistant Commissioner for Patents
Washington, D. C. 20231

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted under Rule 37 CFR 1.6(d) to the U.S. Patent and Trademark Office to (703) 308-6199 on November 1, 2002.



Dr. Daniel P. Morris, Esq.
Reg. No. 32,053

TRANSMITTAL LETTER

Attn.: Craig R. Fienberg

Enclosed herewith is a copy of Appellants' Answer hand delivered on October 10, 2000. Appellants have misplaced the copy of this paper in their hard copy file. The enclosed copy has been made from Appellants' soft copy in their computer files. Enclosed is copy of the return postcard indicating that this paper was received by the USPTO on October 10, 2000.

Please charge deposit account no. 09-0468 the fee under 37 CFR 1.17(g) and any other fee necessary to enter this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dan Morris", written over a horizontal line.

By: Daniel P. Morris
Registration No.: 32,053
Phone Number: 914-945-3217

IBM Corporation
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Yorktown Heights, New York 10598

10/10/2000
Document - 88

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 93

Application Number: 08/303,561

Filing Date: September 09, 1994

Applicants: Johannes G. Bednorz et al.

Examiner M. Kopec

Daniel P. Morris
For Appellant

**SECOND SUPPLEMENTAL APPELLANT'S REPLY
TO THE EXAMINER'S ANSWER**

Appellant's SUBSTITUTE SUPPLEMENTAL APPELLANT'S REPLY TO THE EXAMINER'S ANSWER TEXT ONLY, submitted on August 24, 2000, refers to Attachment C that contains a Table 1 of high Tc materials from the "CRC Handbook of Chemistry and Physics" 2000-2001 Edition. Table 1 lists 7 references as the source of the information on the 42 high Tc materials in Table 1. Those references are listed below. Attachments E to K of the Appellant's SUBSTITUTE SUPPLEMENTAL APPELLANT'S REPLY TO THE EXAMINER'S ANSWER TEXT ONLY, submitted on August 24, 2000, contain the title page and table of contents of the books corresponding to references 1-5 respectively. References 6 and 7 are articles, copies of which were in Attachments J and K, respectively, of Appellant's SUBSTITUTE

SUPPLEMENTAL APPELLANT'S REPLY TO THE EXAMINER'S ANSWER TEXT

ONLY, submitted on August 24, 2000. Enclosed are the books corresponding to Attachments E (Vols. I and II), F, H and I. The books corresponding to Attachment E (Vol. III) and Attachment G will not be available until late November 2000. They will be submitted to the USPTO when they are received by appellants.

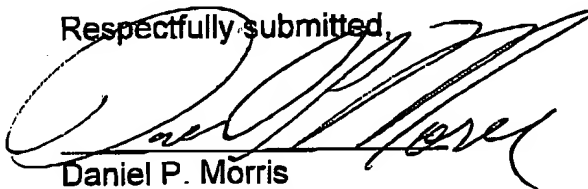
1. **Attachment E**
Ginsburg, D.M., Ed., Physical Properties of High-Temperature Superconductors, Vols. I-III, World Scientific, Singapore, 1989-1992.
2. **Attachment F**
Rao, C.N.R., Ed., Chemistry of High-Temperature Superconductors, World Scientific, Singapore, 1991.
3. **Attachment G**
Shackelford, J.F., The CRC Materials Science and Engineering Handbook, CRC Press, Boca Raton, 1992, 98-99 and 122-123.
4. **Attachment H**
Kaldis, E., Ed., Materials and Crystallographic Aspects of HTc-Superconductivity, Kluwer Academic Publ., Dordrecht, The Netherlands, 1992.
5. **Attachment I**
Malik, S.K. and Shah, S.S., Ed., Physical and Material Properties of High Temperature Superconductors, Nova Science Publ., Commack, N.Y., 1994.
6. **Attachment J**
Chmaissem, O. et al., Physica C230, 231-238, 1994
7. **Attachment K**
Antipov E. V. et al., Physica C215, 1-10, 1993, 231-238, 1994

The is no evidence in these references that the 42 high Tc materials of Attachment C cannot be made following appellants' teaching.

Appellants request the Board to reverse the examiners rejections of claims under 35 USC 112, first paragraph.

Please charge any fee necessary to enter this paper to deposit account 09-0468.

Respectfully submitted,



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300125
FILING² SECOND SUPPLEMENTAL APPELLANT'S REPLY TO THE EXAMINER'S
ANSWER, AND 5 BOOKS AS REFERENCES IN THE SECOND SUPPLEMENTAL
APPELLANT'S REPLY TO THE EXAMINER'S ANSWER.

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as re application of: J. G. Bednorz et al. OCT 10 2000
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No. of pages of specification: No. of pages of claims
No. of sheets of drawings:
Declaration is attached to specification.
All fees are charged to our Account No. 09-0483